

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Paul Gunter,  
  
plaintiff,

v.

United States Secret Service,  
  
defendant.

Case: 1:19-cv-00353  
Assigned To : Unassigned  
Assign. Date : 2/8/2019  
Description: FOIA (I-DECK)

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COMPLAINT FOR INJUNCTIVE RELIEF

Paul Gunter alleges upon knowledge as to his own acts, and otherwise upon information and belief, the following:

NATURE OF THE ACTION

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et. seq., as amended the Privacy Act ("PA"), 5 U.S.C. § 552a and the Administrative Procedures Act ("APA"), 5 U.S.C. § 706, to order the production of agency records in the possession, custody, and control of the United States Secret Service.

JURISDICTION AND VENUE

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), the Privacy Act, 5 U.S.C. § 552a(g)(1)(B) and the Administrative Procedures Act, 5 U.S.C. § 703.

3. Venue is in this district under 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. § 552(g)(1)(B) and 5 U.S.C. § 703.



**PARTIES**

4. Mr. Gunter, a resident of the United States and a federal prisoner, is currently confined in the Federal Correctional Complex (Low) in Coleman, Florida and is the requestor of the withheld records.

5. The United States Secret Service, a component of the Department of Homeland Security, is an agency of the United States. The Secret Service has possession, custody and control of the records Mr. Gunter seeks.

**FACTUAL ALLEGATION**

6. In May 2016, Mr. Gunter, via First Class mail, issued a FOIA request to the Secret Service requesting any and all records pertaining to him.

7. Mr. Gunter requested records to include, but not be limited to, arrest reports; investigatory records; reports of evidentiary information, findings, and conclusions; charging documents; classification of the charged offenses; video tapes; telephonic recordings; computer disks; photographs; all other information, data, and reports not listed above and otherwise exempted by law.

8. Mr. Gunter also requested a Vaughn Index of any withheld items.

9. Mr. Gunter provided a certificate of identity with his request.

10. The Secret Service has yet to produce any documents pertaining to Mr. Gunter's FOIA request.

**COUNT 1: VIOLATION OF FOIA/PA**

11. This count realleges and incorporates by reference all of the preceding paragraphs.

12. Mr. Gunter has a statutory right to the records that he seeks.

13. The Secret Service's non-responsiveness, and withholding of the items sought amounts to refusal to produce them.

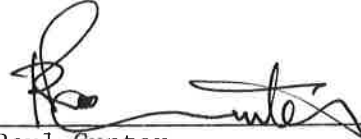
14. The Secret Service has violated FOIA and PA by improperly withholding records responsive to Mr. Gunter's FOIA/PA requests.

**RELIEF REQUESTED**

Wherefore, Mr. Gunter prays that this Court:

- (a) Declare the Secret Service's failure to comply with FOIA and PA to be unlawful;
- (b) Enjoin the Secret Service from continuing to withhold records responsive to Mr. Gunter's FOIA/PA request and otherwise order the Secret Service to produce the requested records without further delay;
- (c) Provide expeditious proceeding in this section;
- (d) Grant such other and further relief as the court deems just and proper.

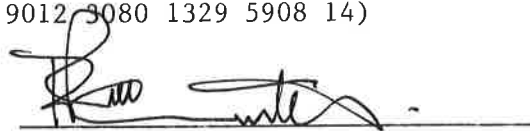
Prepared and respectfully submitted by Paul Gunter on this 2nd day of January 2019:

  
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Paul Gunter  
Reg. No. 50024-018 Unit A-4  
Federal Correctional Complex  
P.O. Box 1031 (Low custody)  
Coleman, Florida 33521-1031

**CERTIFICATE OF SERVICE**

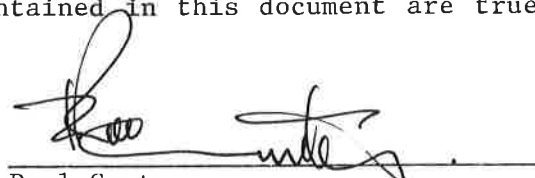
This motion was delivered in a properly addressed, postage-paid envelope to the prison mailing authorities on the same day as signed.

The original was sent to the United States District Court for the District of Columbia, Office of the Clerk, at 333 Constitution Ave., N.W., Washington D.C, 20001. (Certified Mail Tracking No.: 9114 9012 3080 1329 5908 14)

  
Paul Gunter

**VERIFICATION**

Under penalty of law as authorized in 28 U.S.C. § 1746, I declare the factual allegations and factual statements contained in this document are true and correct to the best of my knowledge.

  
Paul Gunter